

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT FILING TRANSMITTAL

Transmitted herewith for filing is the Patent Application of:

Hideaki Tsushima, Shigeki Kitajima, Yasushi Sawada

For: OPTICAL TRANSMISSION APPARATUS AND OPTICAL SYSTEMS

TYPE OF FILING

This new patent application is for a(n):

- ☐ Utility
- ☐ Design
- ☐ Plant
- ☐ Divisional
- ☒ Continuation
- ☐ Continuation-in-part

Benefit of a prior filed application

- ☒ This is a continuation of co-pending application Serial No. 10/172,811 filed on June 14, 2002 which is a continuation of Registration No. 6,424,445 issued on July 23, 2002 claims the benefit of an earlier filed U.S. Patent Application under 35 USC 120.
- ☒ Please accord Applicant the benefit of the priority date of February 25, 1997 to this case pursuant to 35 USC 119. Applicant's claim for priority is based on application 09-040999 filed in Japan on that date.

Filing under 37 CFR 1.53 (Utility) or 37 CFR 1.153 (Design)

- ☒ This is an application filed pursuant to 37 CFR 1.53 or 37 CFR 1.153, permitting receipt of a filing date upon filing of a specification, at least one claim and necessary drawings.
- ☒ In the event any parts of this application are incomplete, please treat this as a filing under 37 CFR 1.53 or 37 CFR 1.153.

CERTIFICATE OF MAILING (37 CFR 1.10(a))

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence is being deposited with the U. S. Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 as Express Mail No. _____ addressed to the Commissioner of Patents & Trademarks, Washington, D.C. 20231 on _____ by _____.

Date: 3/22/04

Signed: James C. Given

15364 U.S. PTO
10/806705
032204

ENCLOSURES

Minimum requirements under 37 CFR 1.53(b) (Utility) or 37 CFR 1.153 (Design)

- ☒ 42 pages of specification;
 - ☒ 7 pages of claims;
 - ☒ 1 pages of abstract;
 - ☒ 18 sheets of formal drawings;
 - ☒ A Declaration, Power of Attorney & Petition or listing of inventors;
- and
- ☒ A postcard for return to us as proof of receipt of the above documents.

plus

- ☒ An Assignment of the invention and an Assignment cover sheet;
- ☐ Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(b))
- ☐ Form PTO-1449 (IDS) and copies of the references listed thereon;
- ☐ A certified copy of _____(country) patent application number (priority document).
- ☐ A preliminary amendment;
- ☐ Declaration of Biological Deposit;
- ☐ Submission of sequence listing, computer readable copy and/or amendment relating thereto for biotechnology invention containing nucleotide and/or amino acid sequence;
- ☐ An associate power of attorney;
- ☐ Other.

DECLARATION OR OATH

The enclosed Declaration or Oath has been executed by:

- ☒ Inventor(s);
- ☐ Legal representative of the inventors (37 CFR 1.42 or 1.43);
- ☐ Joint inventor or person showing proprietary interest on behalf of an inventor who refused to sign or who cannot be reached and this is a petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is attached;
- ☐ Has not been executed and is enclosed for the purposes of identifying the inventors.

INVENTORSHIP STATEMENT

The inventorship for all the claims in this application is:

- ☒ the same;
- ☐ not the same and, as an explanation, a statement is/ will be submitted.

LANGUAGE

The application submitted herewith is:

- ☒ in English;
- ☐ in not in English and in terms of 37 CFR 1.52(d) a verified translation is
 - ☐ attached
 - ☐ not attached.



FEE CALCULATION

The filing fee has been calculated as shown below:

				OTHER THAN A	
				SMALL ENTITY	SMALL ENTITY
				OR	
BASIC FEE Design Patent				\$170	\$340
BASIC FEE Utility Patent				\$385	\$770
EXTRA FEES				RATE	FEE
TOTAL CLAIMS	16	MINUS 20 =	0	x 9 = \$	x 18 = \$
INDEP. CLAIMS	5	MINUS 3 =	2	x 43 = \$	x 86 = \$172
<input type="checkbox"/> MULTIPLE DEP. CLAIM				+ 135 = \$	+ 270 = \$
<input type="checkbox"/> ASSIGNMENT				+ 40 = \$	+ 40 = \$
<input type="checkbox"/> RULE 53 SURCHARGE				+ 65 = \$	+ 130 = \$
TOTAL				\$ 0	\$ 942.00

FEE PAYMENT

- ☐ No Fee is Enclosed at this time.
- ☒ Attached is a check in the sum of \$982.00 to cover the filing and the assignment fee.
- ☐ Please charge Account No. 19-2825 the sum of \$_____.

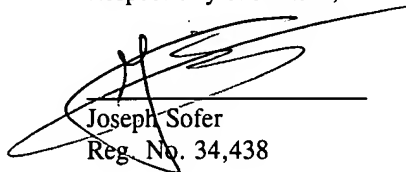
FEE DEFICIENCY

- ☐ The Commissioner is authorized to charge (or credit any overpayment) to deposit account No. 19-2825:
- ☐ Any additional filing fees required under 37 CFR 1.16, except Rule 53 filings, which will be paid within the time permitted by PTOL 1533.
- ☐ Assignment Recordal fees.
- ☒ The filing fee and surcharge under 37 CFR 1.16, patent application processing fees under 37 CFR 1.17 and patent issue fees under 37 CFR 1.18 are intended to be paid by our firm as they arise. As no abandonment is intended by any inadvertent nonpayment of fees, the Commissioner is hereby authorized to charge payment of such fees as from time to time come due, if not paid prior to due date to our Deposit Account No. 19-2825.
- ☐ A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: 3/22/09

SOFER & HAROUN, L.L.P.


Joseph Sofer
Reg. No. 34,438

Address: 317 Madison Avenue, Suite 910
New York, New York 10017
Telephone: (212) 697-2800
Facsimile: (212) 697-3004
Customer No.: 39600

PATENT

Docket No. 655-022nc2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Tsushima et al.
Serial No. : Not yet assigned
Filed : March 22, 2004
For : OPTICAL TRANSMISSION APPARATUS AND OPTICAL SYSTEM

Examiner: Not yet assigned
Group Art Unit: Not yet assigned

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV310192263US

Date of Deposit March 22, 2004

I hereby certify that the following attached paper(s) or fee

- 1) Continuation Patent Application (50 pages)
- 2) Formal Drawings(Figs.1-18)
- 3) Patent Transmittal
- 4) Copy of Declaration-executed
- 5) Express Mail Certificate
- 6) Return Postcard
- 7) Assignment
- 8) Assignment Cover Sheet
- 9) Check for \$982.00

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37

C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks,

Washington, D.C. 20231.

Sandria Cirillo

(Typed or printed name of person
mailing paper(s) or fee)



(Signature of person mailing
paper(s) or fee)

Mailing Address:
SOFER & HAROUN, LLP
317 Madison Avenue
Suite 910
New York, New York 10017
Tel:(212)697-2800;fax (212)697-3004

BEST AVAILABLE COPY